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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/009,164	MORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Ruthkosky	1745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/25/2005.
2. ☒ The allowed claim(s) is/are 10-12.
3. ☒ The drawings filed on 31 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

*Mark Ruthkosky*  
3/3/05

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## **DETAILED ACTION**

### ***Response to Amendment***

The proposed amendment and reply filed on 2/25/2005 has been entered into the application file. Claims 2-8 are canceled in the amendment. Claims 10-12 remain pending in the application.

### ***Claim Rejections - 35 USC § 103***

The rejection of claims 2 and 5-8 under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,174,620) in view of Moriwaki et al. (US 6,333,124) has been overcome by the applicant's canceling of the claims.

The rejection of claims 2-5 and 7-8 under 35 U.S.C. 103(a) as being unpatentable over Moriwaki et al. (US 6,333,124) in view of Okada et al. (US 6,174,620) has been overcome by the applicant's canceling of the claims.

### ***Allowable Subject Matter***

Claims 10-12 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are to method manufacturing a prismatic battery case comprising a first process step for forming a first intermediate cup element, a second process step for forming a second intermediate cup element having a substantially elliptic cross section which is smaller in minor-axis-diameter to major-axis-diameter ratio than the cross section of the first

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intermediate cup element by subjecting the first intermediate cup element to redrawing successively in a plural stages; and a third process step for forming a prismatic battery case having a substantially rectangular cross section in which a shorter-side plate is made larger in thickness a longer-side plate by subjecting the second intermediate cup element to DI processing, wherein drawing and ironing are performed successively at a time.

The references do not teach the process, as claimed, including the step wherein an intermediate cup element is prepared with a substantially elliptic cross section, which is smaller in minor axis diameter to major axis diameter ration than the cross section of the first intermediate cup followed by a step of subjecting the second intermediate cup element to DI processing, wherein drawing and ironing are performed successively at a time. As the process of the prior art does not include this step, the process is allowed over the prior art.

The most pertinent art has been cited. For example, Okada et al. (US 6,174,620) teaches a prismatic battery case having a substantially rectangular cross-section comprising a substantially rectangular shorter side plate and a longer side plate wherein the shorter side plate is larger in thickness than the longer side plate (claims 1-11.) The short sidewall is 10% larger than the other sidewall. The reference does not teach a process, as claimed, including the step wherein an intermediate cup element is prepared with a substantially elliptic cross section, which is smaller in minor axis diameter to major axis diameter ration than the cross section of the first intermediate cup followed by a step of subjecting the second intermediate cup element to DI processing, wherein drawing and ironing are performed successively at a time.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Examiner Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky  
Primary Patent Examiner  
Art Unit 1745

*Mark Ruthkosky*  
3/3/05